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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/685,074
Filing Date: October 14, 2003
Appellant(s): ARCHIABLE, DONALD PAUL

David J. Stein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/26/2011 appealing from the Office action mailed 10/05/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-45 are pending in this application. Claims 38 and 39 have been withdrawn. Claims 1-37 and 40-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Novakov (US 6,571,103) in view of Hightower et al. (US 5,276,277).

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,571,103	NOVAKOV	05-2003
5,276,277	HIGHTOWER ET AL	01-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-37 and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novakov (US 6,571,103) in view of Hightower et al. (US 5,276,277).

Regarding claim 1, Novakov (figure 1) discloses a system configures to create a wireless network near a surface, comprising: an information receiving logic (12) configured to receive an information signal; a driven element (10) configured to transmit an outbound information signal at a predetermined power and a predetermined frequency that create a transmission zone (using Bluetooth transceiver); and a transmission line (line between 12 and 10) configured to facilitate transferring a first intermediate signal, from which the outbound information signal is derived, from the information receiving logic to the driven element (column 3, line 66 – column 4, line 46). Novakov does not specifically disclose the transmission zone is restrictively ranged proximate to at least a portion of the surface. However, Hightower et al. disclose the transmission range can be adjusted and contained in a certain space or shape depending on the desired system (column 12, lines 54-65). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hightower et al. for adjusting the transmission zone to a desired office space that is restrictively ranged proximate to at least a portion of the surface to the system of Novakov as a system design preference to reduce electromagnetic interference, secure communications, and to customize communication between the respective bounded office space.

Regarding claim 2, Hightower et al. disclose a shield configured to mold the transmission zone (column 15, lines 52-63).

Regarding claim 3, Hightower et al. disclose the transmission zone molded to be smaller than an environment within which the system is located (column 15, lines 52-63).

Regarding claims 4 and 5, it would have obvious for the shield of Hightower et al. to be frequency non-specific as a system design preference so that the system can be used in any frequency.

Regarding claims 6-8, Novakov and Hightower et al. do not specifically disclose the molded zone being substantially spherical. However, the examiner takes Official notice the spherical transmission zone is well known in the art. Therefore, it would have been obvious for one having ordinary skill in the art to make the transmission zone being substantially spherical as desire and in fact most of the transmission zones are substantially spherical in space.

Regarding claim 9, Novakov discloses the driven element configured to transmit the outbound information signal to an electronic device substantially positioned within the limited zone, and the designated power output of the outbound information signal being substantially less than a power of an outbound signal from the electronic device (column 3, line 66 – column 4, line 46).

Regarding claim 10, Hightower et al. disclose at least a portion of the surface comprising one or more of, a desktop, a tabletop, a desk, a table, a wall a ceiling, a floor, a door, a window, a kiosk surface, a work surface, an airplane seat, an airplane seat-back, an airplane tray-table, an automatic interior, medical furniture, a medical enclosure, and a cabinet (see figures 1-4).

Regarding claims 11-18, the molded transmission zone of the system of Hightower can obvious being less than twenty four inches in plane and substantially discontinuous from a space a user's body occupied when operating in an environment within which the molded transmission zone is located as one would arrange the shields as desired depending on the system design preference (column 12, lines 54-65).

Regarding claims 19-21, the system of Novakov and Hightower et al. can obviously comprising a plurality of driven element configured to create a plurality of transmission zones or plurality of shields configured to mold the plurality of transmission zones and the transmission zones molded so as to not overlap each other as a system design preference to have more than one transmission zones.

Regarding claims 22-25, it would have been obvious for the system of Novakov and Hightower et al. comprising transmission zones molded so as to not overlap each other, two or more shields configured to abate a portion of the zone, divide and arrange in any position as a system design preference serving the same function as to provide a plurality of transmission zones.

Regarding claims 26-28, Novakov disclose where the information receiving logic, the driven element, and the transmission line are integrated into a single PVLAN-space element (column 3, line 66 – column 4, line 46, wherein the Bluetooth range reads on the PVLAN-space).

Regarding claims 29, 31 and 32, Novakov and Hightower et al. do not specifically disclose an effective zone indicator on the PVLAN-space element work-surface configured to visually illustrate a boundary associated with the unabated portion of the zone. However, the difference does not involve any inventive idea, since it would have been obvious for one having ordinary skill in the art to put a note or sign around the transmission zone to let people know if they are within the transmission zone or not.

Regarding claim 30, Novakov discloses where the information receiving logic, the driven element, and the transmission line are integrated into a single PVLAN-space element (column 3, line 66 – column 4, line 46, wherein the Bluetooth range reads on the PVLAN-space).

Regarding claim 33, Novakov (figure 1) discloses a method of creating a wireless network near a surface, comprising: receiving an information signal; selectively deriving an intermediate signal from the information signal (AP12); selectively relaying the intermediate signal to a driven element (LS 10); transmitting an outbound information signal derived from the intermediate signal from the driven element at a predetermined power output and predetermined frequency, that create a transmission zone (within the Bluetooth range) (column 3, line 66 – column 4, line 46). Novakov does not specifically disclose the transmission zone that is restrictively ranged proximate to at least a portion of the surface; and positioning one or more shields to perform one or more of, molding the size of the limited transmission zone, molding the shape of the limited transmission zone, protecting the limited transmission zone from RF interference, and limiting interference produced by transmitting the outbound information signal. However, Hightower et al. disclose the transmission range can be adjusted depending on the desire system (column 12, lines 54-65), and positioning one or more shields to perform one or more of, molding the size of the limited transmission zone, molding the shape of the limited transmission zone, protecting the limited transmission zone from RF interference, and limiting interference produced by transmitting the outbound information signal (column 15, lines 52-63). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hightower et al. for adjusting the transmission zone to a desire office space that is less than thirty six inches in a plane and positioning one or more shields to perform one or more of, molding the size of the limited zone, molding the shape of the limited zone, protecting the limited zone from RF interference, and limiting interference produced by transmitting the outbound information signal to the method of Novakov as a system design preference to reduce electromagnetic interference, secure communications, and to customize communication between the respective bounded office space.

Regarding claim 34, Novakov discloses the information signal comprising one or more of, a telephone signal, a television signal, a computer signal, a facsimile signal, an internet signal, a DSL signal, a broadcast signal, a GPS signal, and a radio signal (column 14, lines 5-8).

Regarding claim 35, Hightower et al. disclose the outbound information signal can be obviously transmitted with a power that is less than about 1/48 of the power of the outbound signal transmitted from the electronic device (see figure 1; column 12, lines 54-65). Novakov disclose the driven element being configured to transmit the outbound information signal in a power range from about 1 mW to about 100 mW (0.1W). Therefore, and Hightower et al. do not specifically disclose the driven element being configured to transmit the outbound information signal in a power range from about 0.01 mW to about 0.1W. However, the examiner takes Official notice that transmitting signal in a power range from about 0.01 mW to about 0.1W is well known in the art. Therefore, it would have been obvious for the transmission power range of the method of Novakov and Hightower et al. to have the transmission range between 0.01 mW to about 0.1W as a system design preference for a specific system.

Regarding claim 36, Hightower et al. disclose the driven element being configured to transmit the outbound information signal in a frequency range from about 500 MHz to about 1.5 GHz (column 11, line 66 – column 12, line 42).

Regarding claim 37, Novakov discloses a system (figure 1), comprising: an information receiving logic (12) configured to receive an information signal; a driven element (10) configured to transmit an outbound information signal at a predetermined power and a predetermined frequency that create a transmission zone (using Bluetooth transceiver); and a transmission line (line between 12 and 10) configured to facilitate transferring a first intermediate signal, from which the outbound information signal is derived, from the information receiving logic to the driven element; and an override panel configured to provide access to a wired connection by which the information signal can be received (figure 1; column 3, line 66 – column 4, line 46); and the system could have been obvious to be placed on a piece of furniture as desired by a user. Novakov does not specifically disclose the transmission zone is restrictively ranged proximate to at least a portion of the surface; and a shield configured to perform one or more of, molding the transmission zone, to at least partially block electromagnetic radiation from entering the transmission zone, and to at least partially block the outbound signal from leaving the transmission zone. However, Hightower et al. disclose the transmission range can be adjusted depending on the desire system (column 12, lines 54-65); and a shield configured to perform one or more of, molding the transmission zone, to at least partially block electromagnetic radiation from entering the transmission zone, and to at least partially block the outbound signal from leaving the transmission zone (column 15, lines 52-63). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hightower et al. for adjusting the transmission zone to a desire office space that is less than forty eight inches in a plane and a shield configured to perform one or more of, molding the size of the limited zone, molding the shape of the limited zone, protecting the limited zone from RF interference, and limiting interference produced by transmitting the outbound information signal to the system of Novakov as a system design preference to reduce electromagnetic interference, secure communications, and to customize communication between the respective bounded office space.

Regarding claim 40, Hightower et al. disclose the driven element configured to transmit the outbound information signal extending outward from at least a portion of the surface (column 12, lines 43-65).

Regarding claim 41, Hightower et al. disclose the outbound information signal can be obviously transmitted with a power that is less than about 1/48 of the power of the outbound signal transmitted from the electronic device (see figure 1; column 12, lines 54-65). Novakov disclose the driven element being configured to transmit the outbound information signal in a power range from about 1 mW to about 100 mW (0.1W). Therefore, it would have been obvious for the transmission power range of the method of Novakov and Hightower et al. to have the transmission range between 0.01 mW to about 0.1W as a system design preference for a specific system.

Regarding claim 42, the system of Novakov and Hightower et al. can obviously comprising a plurality of driven element configured to create a plurality of transmission zones as a system design preference to have more than one transmission zones. Regarding claim 43, Hightower et al. disclose transmitting the outbound information signal comprising: transmitting the outbound information signal extending outward from at least a portion of the surface.

Regarding claim 44, Hightower et al. disclose the driven element configured to transmit the outbound information signal extending outward from at least a portion of the surface.

Regarding claim 45, Novakov (figure 1) discloses a system discloses a system configures to create a wireless network near a surface, comprising: an information receiving logic (12) configured to receive an information signal; a driven element (10) configured to transmit an outbound information signal at a predetermined power and a predetermined frequency that create a transmission zone (using Bluetooth transceiver); and a transmission line (line between 12 and 10) configured to facilitate transferring a first intermediate signal, from which the outbound information signal is derived, from the information receiving logic to the driven element (column 3, line 66 – column 4, line 46). Novakov disclose the driven element being configured to transmit the outbound information signal in a power range from about 1 mW to about 100 mW (0.1W) (column 5, lines 33-44). Therefore, it would have been obvious for the transmission power range of the method of Novakov to have the transmission range between 0.01 mW to about 0.1W as a system design preference for a specific system. Novakov does not specifically disclose the transmission zone is restrictively ranged proximate to at least a portion of the surface; wherein at least a portion of the surface comprising one or more of a desktop, a tabletop, a desk, a table, a wall, a ceiling, a floor, a door, a window, a kiosk surface, a work surface, an airplane seat, an airplane seat-back, an airplane tray-table, an automobile interior, medical furniture, a medical enclosure, and a cabinet; the predetermined power of the outbound information signal transmitted with a power that is less than about 1/48th of the power of the outbound signal transmitted from the electronic device; at least one frequency non-specific shield configured to mold the transmission zone into a substantially spherical molded transmission zone that is less than twenty four inches in a plane, that is not coextensive with the environment within which the transmission zone is located, and that is substantially discontinuous from a space a user's body occupies when operating in an environment within which the molded transmission zone is located; and a plurality of effective zone indicators located on the surface and configured to visually indicate respective boundaries of the molded transmission zone. However, Hightower et al. disclose the transmission range can be adjusted depending on the desired system (column 12, lines 54-65); at least a portion of the surface comprising one or more of, a desktop, a tabletop, a desk, a table, a wall a ceiling, a floor, a door, a window, a kiosk surface, a work surface, an airplane seat, an airplane seat-back, an airplane tray-table, an automatic interior, medical furniture, a medical enclosure, and a cabinet (see figures 1-4); the outbound information signal can be obviously transmitted with a power that is less than about 1/48 of the power of the outbound signal transmitted from the electronic device (see figure 1; column 12, lines 54-65); and a shield configured to perform one or more of, molding the transmission zone, to at least partially block electromagnetic radiation from entering the transmission zone, and to at least partially block the outbound signal from leaving the transmission zone (column 15, lines 52-63). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the teaching of Hightower et al. for adjusting the transmission zone to a desire office space that is less than twenty four inches in a plane; the outbound information signal can be obviously transmitted with a power that is less than about 1/48 of the power of the outbound signal transmitted from the electronic device; and a shield configured to perform one or more of, molding the size of the limited zone, molding the shape of the limited zone, protecting the limited zone from RF interference, and limiting interference produced by transmitting the outbound information signal to the system of Novakov as a system design preference to reduce electromagnetic interference, secure communications, and to customize communication between the respective bounded office space. And it would have obvious for the shield of Hightower et al. to be frequency non-specific as a system design preference so that the system can be used in any frequency. Novakov and Hightower et al. do not specifically disclose an effective zone indicator on the PVLAN-space element work-surface configured to visually illustrate a boundary associated with the unabated portion of the zone. However, the difference does not involve any inventive idea, since it would have been obvious to put a note or sign around the transmission zone to let people know if they are within the transmission zone or not.

(10) Response to Argument

Regarding claims 1, 33, 37 and 45, Appellant alleged that Novakov and Hightower et al. do not disclose “transmitting an outbound information signal at a predetermined power and a predetermined frequency that create a transmission zone that is restrictively ranged proximate to at least a portion of a surface” (i.e., see Appellant’s argument section 7(b) and 7(c)).

The examiner, however, respectfully disagree with the Appellant. Novakov discloses transmitting an outbound information signal at a predetermined power and a predetermined frequency (using Bluetooth transceiver) that creates a transmission zone (column 3, line 66 – column 4, line 46) with an adjustable range between 10 cm – 100 m (column 5, lines 32-44). And Hightower et al. disclose the transmission range can be adjusted and contained in a certain space or shape including surfaces such as door, walls, floor, and ceiling (column 12, line 54 – column 13, line 62) to reduce electromagnetic interference, secure communications, and to customize communication between the respective bounded office space (column 12, lines 54-65). Since claims 1, 33, 37 and 45 do not recite the transmission zone exclusively ranged on the surface. And claim 6 further recites "… transmission zone being substantially spherical" which clearly define the transmission zone as a volume space, not just only on a surface. Therefore, the combination of Hightower and Novakov reads on the claimed limitation of claims 1, 33, 37 and 45.

For the above reasons, the rejection of claims 1, 33, 37 and 45 should be maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Quochien B Vuong/

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